

SECOND REGULAR SESSION

SENATE BILL NO. 673

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3229S.011

AN ACT

To repeal sections 23.295, 160.575, 178.761, 178.762, 178.764, 286.005, and 288.040, RSMo, and to enact in lieu thereof seven new sections relating to unemployment.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 23.295, 160.575, 178.761, 178.762, 178.764, 286.005, 2 and 288.040, RSMo, are repealed and seven new sections enacted in lieu thereof, 3 to be known as sections 23.295, 160.575, 178.761, 178.762, 178.764, 286.005, and 4 288.040, to read as follows:

23.295. If an employee is displaced because a program is sunset, 2 reorganized, or continued, the state agency and the [division] office of [workforce 3 development in the department of economic development] **job development and 4 training** shall make a reasonable effort to relocate the displaced employee.

160.575. 1. The department of elementary and secondary education shall 2 develop a "ready to work" endorsement program that enables high schools to 3 endorse a certificate for students who meet certain standards that demonstrate 4 that such students are deemed ready to work. The program shall be available no 5 later than June 30, 2007.

2. The program shall include, but not be limited to, the following:

(1) Voluntary participation by high school seniors who choose to 8 participate;

(2) Academic components;

(3) Work readiness components;

(4) Assessment tools and techniques for a third-party, independent, and 12 objective assessment and endorsement of individual student achievement through

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 an existing workforce investment service delivery system; and

14 (5) An easily identifiable guarantee to potential employers that the
15 entry-level employee is ready to work.

16 3. In developing such standards, the department shall involve
17 representatives of the [division] **office** of [workforce development] **job**
18 **development and training**, employers, students, career center providers, local
19 workforce investment boards, and school district personnel.

178.761. A community college district, with the approval of the
2 department of [economic development] **labor and industrial relations** in
3 consultation with the office of administration, may enter into an agreement to
4 establish a project and provide program services to an employer. As soon as
5 possible after initial contact between a community college district and a potential
6 employer regarding the possibility of entering into an agreement, the district
7 shall inform the [division] **office** of [workforce development of the department
8 of economic development] **job development and training** and the office of
9 administration about the potential project. The [division] **office** of [workforce
10 development] **job development and training** shall evaluate the proposed
11 project within the overall job training efforts of the state to ensure that the
12 project will not duplicate other job training programs. The department of
13 [economic development] **labor and industrial relations** shall have fourteen
14 days from receipt of the application to approve or disapprove projects. If no
15 response is received by the community college within fourteen days, the projects
16 are approved. Any project that is disapproved must be in writing stating the
17 reasons for the disapproval. If an agreement is entered into, the district and the
18 employer shall notify the department of revenue within fifteen calendar days. An
19 agreement may provide, but is not limited to:

20 (1) Payment of program costs, including deferred costs, which may be paid
21 from one or a combination of the following sources:

22 (a) Funds appropriated by the general assembly from the Missouri
23 community college job retention program fund and disbursed by the division of
24 workforce development in respect of retained jobs credit from withholding to be
25 received or derived from retained employment resulting from the project;

26 (b) Tuition, student fees, or special charges fixed by the board of trustees
27 to defray program costs in whole or in part;

28 (c) Guarantee of payments to be received under paragraph (a) or (b) of this
29 subdivision;

30 (2) Payment of program costs shall not be deferred for a period longer
31 than ten years if program costs do not exceed five hundred thousand dollars, or
32 eight years if program costs exceed five hundred thousand dollars from the date
33 of commencement of the project;

34 (3) Costs of on-the-job training for employees shall include wages or
35 salaries of participating employees. Payments for on-the-job training shall not
36 exceed the average of fifty percent of the total percent of the total wages paid by
37 the employer to each participant during the period of training. Payment for
38 on-the-job training may continue for up to six months from the date of the
39 employer's capital investment;

40 (4) A provision which fixes the minimum amount of retained jobs credit
41 from withholding, or tuition and fee payments which shall be paid for program
42 costs;

43 (5) Any payment required to be made by an employer is a lien upon the
44 employer's business property until paid and has equal precedence with ordinary
45 taxes and shall not be divested by a judicial sale. Property subject to the lien
46 may be sold for sums due and delinquent at a tax sale, with the same forfeitures,
47 penalties, and consequences as for the nonpayment of ordinary taxes. The
48 purchasers at tax sale obtain the property subject to the remaining payments.

178.762. If an agreement provides that all or part of program costs are to
2 be met by receipt of retained jobs credit from withholding, such retained jobs
3 credit from withholding shall be determined and paid as follows:

4 (1) Retained jobs credit from withholding shall be based upon the wages
5 paid to the employees in the retained jobs;

6 (2) A portion of the total payments made by the employer under section
7 143.221, RSMo, shall be designated as the retained jobs credit from
8 withholding. Such portion shall be an amount equal to two and one-half percent
9 of the gross wages paid by the employer for each of the first one hundred jobs
10 included in the project and one and one-half percent of the gross wages paid by
11 the employer for each of the remaining jobs included in the project. If business
12 or employment conditions cause the amount of the retained jobs credit from
13 withholding to be less than the amount projected in the agreement for any time
14 period, then other withholding tax paid by the employer under section 143.221,
15 RSMo, shall be credited to the Missouri community college retained job training
16 fund by the amount of such difference.

17 The employer shall remit the amount of the retained jobs credit to the

18 department of revenue in the manner prescribed in section 178.764. When all
19 program costs, including the principal, premium, and interest on the certificates
20 have been paid, the employer credits shall cease;

21 (3) The community college district participating in a project shall
22 establish a special fund for and in the name of the project. All funds
23 appropriated by the general assembly from the Missouri community college job
24 training retention program fund and disbursed by the [division] **office** of
25 [workforce development] **job development and training** for the project and
26 other amounts received by the district in respect of the project and required by
27 the agreement to be used to pay program costs for the project shall be deposited
28 in the special fund. Amounts held in the special fund may be used and disbursed
29 by the district only to pay program costs for the project. The special fund may be
30 divided into such accounts and subaccounts as shall be provided in the
31 agreement, and amounts held therein may be invested in investments which are
32 legal for the investment of the district's other funds;

33 (4) Any disbursement in respect of a project received from the [division]
34 **office** of [workforce] **job development and training** under sections 178.760 to
35 178.764 and the special fund into which it is paid may be irrevocably pledged by
36 a community college district for the payment of the principal, premium, and
37 interest on the certificate issued by a community college district to finance or
38 refinance, in whole or in part, the project;

39 (5) The employer shall certify to the department of revenue that the credit
40 from withholding is in accordance with an agreement and shall provide other
41 information the department may require;

42 (6) An employee participating in a project will receive full credit for the
43 amount designated as a retained jobs credit from withholding and withheld as
44 provided in section 143.221, RSMo;

45 (7) If an agreement provides that all or part of program costs are to be
46 met by receipt of retained jobs credit from withholding, the provisions of this
47 subsection shall also apply to any successor to the original employer until such
48 time as the principal and interest on the certificates have been paid.

178.764. 1. There is hereby established within the state treasury a
2 special fund, to be known as the "Missouri Community College Job Retention
3 Training Program Fund", to be administered by the [division] **office** of
4 [workforce] **job development and training**. The department of revenue shall
5 credit to the community college job retention training program fund, as received,

6 all retained jobs credit from withholding remitted by employers pursuant to
7 section 178.762. The fund shall also consist of any gifts, contributions, grants,
8 or bequests received from federal, private, or other sources. The general
9 assembly, however, shall not provide for any transfer of general revenue funds
10 into the community college job retention training program fund. Moneys in the
11 Missouri community college job retention training program fund shall be
12 disbursed to the [division] **office** of [workforce] **job development and training**
13 pursuant to regular appropriations by the general assembly. The division shall
14 disburse such appropriated funds in a timely manner into the special funds
15 established by community college districts for projects, which funds shall be used
16 to pay program costs, including the principal, premium, and interest on
17 certificates issued by the district to finance or refinance, in whole or in part, a
18 project. Such disbursements by the [division] **office** of [workforce] **job**
19 **development and training** shall be made to the special fund for each project in
20 the same proportion as the retained jobs credit from withholding remitted by the
21 employer participating in such project bears to the total retained jobs credit from
22 withholding remitted by all employers participating in projects during the period
23 for which the disbursement is made. Moneys for retained jobs training programs
24 established under sections 178.760 to 178.764 shall be obtained from
25 appropriations made by the general assembly from the Missouri community
26 college job retention training program fund. All moneys remaining in the
27 Missouri community college job retention training program fund at the end of any
28 fiscal year shall not lapse to the general revenue fund, as provided in section
29 33.080, RSMo, but shall remain in the Missouri community college job retention
30 training program fund.

31 2. The department of revenue shall develop such forms as are necessary
32 to demonstrate accurately each employer's retained jobs credit from withholding
33 paid into the Missouri community college job retention training program
34 fund. The retained jobs credit from withholding shall be accounted as separate
35 from the normal withholding tax paid to the department of revenue by the
36 employer. Reimbursements made by all employers to the Missouri community
37 college job retention training program fund shall be no less than all allocations
38 made by the [division] **office** of [workforce] **job development and training** to
39 all community college districts for all job retention projects. The employer shall
40 remit the amount of the retained job credit to the department of revenue in the
41 same manner as provided in sections 143.191 to 143.265, RSMo.

286.005. 1. There is hereby created a "Department of Labor and Industrial Relations" to be headed by a labor and industrial relations commission as provided by section 49, article IV, Constitution of Missouri. All the powers, duties and functions of the industrial commission are transferred by type I transfer to the labor and industrial relations commission and the industrial commission is abolished. The commission shall nominate and the governor shall appoint, with the advice and consent of the senate, the director of the department to be the chief administrative officer of the department. Members of the industrial commission on May 2, 1974, shall become members of the commission and the terms of the commission members shall be the same as provided by law for the industrial commission. Individuals appointed as members of the industrial commission shall serve the remainder of the term to which they were appointed as members of the commission. The members of the commission shall receive an annual salary of seventy-two thousand seven hundred thirty-five dollars plus any salary adjustment provided pursuant to section 105.005, RSMo, payable out of the state treasury. The board of rehabilitation is abolished as hereinafter set out and on May 2, 1974, no compensation shall be paid to any person as a member of the board of rehabilitation, other provisions of the law notwithstanding. The director of the department shall appoint other division heads in the department. For the purposes of subsections 6, 7, 8 and 9 of section 1 of the reorganization act of 1974, the director of the department shall be construed as the head of the department of labor and industrial relations.

2. All powers, duties, and functions vested by law in the division of employment security, chapter 288, RSMo, and others, are transferred by type II transfer to the department.

3. All powers, duties, and functions vested by law in the division of workers' compensation, chapter 287, RSMo, and others, are transferred by type II transfer to the department.

4. All the powers, duties, and functions of the board of rehabilitation, chapter 287, RSMo, and others, are transferred by type I transfer to the division of workers' compensation of the department and the board of rehabilitation is abolished.

5. All powers, duties and functions vested by law in the division of industrial inspections and the division of mine inspections, chapters 286, 290, 291, 292, 293, 294 and 444, RSMo, which were previously transferred by type I transfer to the inspection section of the department, are transferred to the

37 division of labor standards of the department. Employees of the division
38 performing duties related to the mine safety and health act and the occupational
39 safety health act shall be selected in accord with chapter 36, RSMo.

40 6. All the powers, duties, and functions vested by law in the state board
41 of mediation under chapter 295, RSMo, and others, are transferred by type II
42 transfer to the department.

43 7. All employees of the division of employment security shall be selected
44 in accord with chapter 36, RSMo.

45 8. The Missouri commission on human rights, and all the authority,
46 powers, duties, functions, records, personnel, property, matters pending and other
47 pertinent vestiges thereof vested in the Missouri commission on human rights
48 under chapters 213, 296, 314, and others, RSMo, are transferred by type III
49 transfer to the department. Members of the Missouri commission on human
50 rights shall be nominated by the director for appointment by the governor, by and
51 with the advice and consent of the senate.

52 9. The department shall act as the administrative entity for the governor's
53 council on disability. The federal and state funds necessary for the
54 administration and implementation of the programs and services provided by the
55 governor's council on disability shall be appropriated through the department.

56 **10. There is hereby created, the "Office of Job Development and**
57 **Training" within the division of employment security in the department**
58 **of labor and industrial relations. All of the powers, duties, functions,**
59 **records, personnel, property, matters pending and other pertinent**
60 **vestiges vested by executive order No. 99-3, statute, or rule in the**
61 **division of workforce development relating to the administration of**
62 **free public employment offices, employment assistance programs, and**
63 **job development training and placement are transferred by a Type I**
64 **transfer to the office of job development and training in the division of**
65 **employment security in the department of labor and industrial**
66 **relations.**

288.040. 1. A claimant who is unemployed and has been determined to
2 be an insured worker shall be eligible for benefits for any week only if the deputy
3 finds that:

4 (1) The claimant has registered for work at and thereafter has continued
5 to report at an employment office in accordance with such regulations as the
6 division may prescribe;

7 (2) The claimant is able to work and is available for work. No person
8 shall be deemed available for work unless such person has been and is actively
9 and earnestly seeking work. Upon the filing of an initial or renewed claim, and
10 prior to the filing of each weekly claim thereafter, the deputy shall notify each
11 claimant of the number of work search contacts required to constitute an active
12 search for work. No person shall be considered not available for work, pursuant
13 to this subdivision, solely because he or she is a substitute teacher or is on jury
14 duty. A claimant shall not be determined to be ineligible pursuant to this
15 subdivision because of not actively and earnestly seeking work if:

16 (a) The claimant is participating in training approved pursuant to Section
17 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended);

18 (b) The claimant is temporarily unemployed through no fault of his or her
19 own and has a definite recall date within eight weeks of his or her first day of
20 unemployment; however, upon application of the employer responsible for the
21 claimant's unemployment, such eight-week period may be extended not to exceed
22 a total of sixteen weeks at the discretion of the director;

23 (3) The claimant has reported in person, **by phone, or by email** to an
24 office of the division as directed by the deputy, but at least once every four weeks,
25 except that a claimant shall be exempted from the reporting requirement of this
26 subdivision if:

27 (a) The claimant is claiming benefits in accordance with division
28 regulations dealing with partial or temporary total unemployment; [or]

29 (b) The claimant is temporarily unemployed through no fault of his or her
30 own and has a definite recall date within eight weeks of his or her first day of
31 unemployment; [or]

32 (c) The claimant resides in a county with an unemployment rate, as
33 published by the division, of ten percent or more and in which the county seat is
34 more than forty miles from the nearest division office;

35 (d) The director of the division of employment security has determined
36 that the claimant belongs to a group or class of workers whose opportunities for
37 reemployment will not be enhanced by reporting [in person], or is prevented from
38 reporting due to emergency conditions [that limit access by the general public to
39 an office that serves the area where the claimant resides], but only during the
40 time such circumstances exist; **or**

41 (e) **The state unemployment rate is six percent or greater.**

42 Ineligibility pursuant to this subdivision shall begin on the first day of the week

43 which the claimant was scheduled to claim and shall end on the last day of the
44 week preceding the week during which the claimant does report [in person] to the
45 division's office;

46 (4) Prior to the first week of a period of total or partial unemployment for
47 which the claimant claims benefits he or she has been totally or partially
48 unemployed for a waiting period of one week. No more than one waiting week
49 will be required in any benefit year. During calendar year 2008 and each
50 calendar year thereafter, the one-week waiting period shall become compensable
51 once his or her remaining balance on the claim is equal to or less than the
52 compensable amount for the waiting period. No week shall be counted as a week
53 of total or partial unemployment for the purposes of this subsection unless it
54 occurs within the benefit year which includes the week with respect to which the
55 claimant claims benefits;

56 (5) The claimant has made a claim for benefits within fourteen days from
57 the last day of the week being claimed. The fourteen-day period may, for good
58 cause, be extended to twenty-eight days;

59 (6) The claimant has reported to an employment office to participate in
60 a reemployment assessment and reemployment services as directed by the deputy
61 or designated staff of an employment office, unless the deputy determines that
62 good cause exists for the claimant's failure to participate in such reemployment
63 assessment and reemployment services. For purposes of this section,
64 "reemployment services" may include, but not be limited to, the following:

65 (a) Providing an orientation to employment office services;

66 (b) Providing job search assistance; and

67 (c) Providing labor market statistics or analysis;

68 Ineligibility under this subdivision shall begin on the first day of the week which
69 the claimant was scheduled to report for the reemployment assessment or
70 reemployment services and shall end on the last day of the week preceding the
71 week during which the claimant does report [in person] to the employment office
72 for such reemployment assessment or reemployment services;

73 (7) The claimant is participating in reemployment services, such as job
74 search assistance services, as directed by the deputy if the claimant has been
75 determined to be likely to exhaust regular benefits and to need reemployment
76 services pursuant to a profiling system established by the division, unless the
77 deputy determines that:

78 (a) The individual has completed such reemployment services; or

79 (b) There is justifiable cause for the claimant's failure to participate in
80 such reemployment services.

81 2. A claimant shall be ineligible for waiting week credit or benefits for any
82 week for which the deputy finds he or she is or has been suspended by his or her
83 most recent employer for misconduct connected with his or her
84 work. Suspensions of four weeks or more shall be treated as discharges.

85 3. (1) Benefits based on "service in employment", defined in subsections
86 7 and 8 of section 288.034, shall be payable in the same amount, on the same
87 terms and subject to the same conditions as compensation payable on the basis
88 of other service subject to this law; except that:

89 (a) With respect to service performed in an instructional, research, or
90 principal administrative capacity for an educational institution, benefits shall not
91 be paid based on such services for any week of unemployment commencing during
92 the period between two successive academic years or terms, or during a similar
93 period between two regular but not successive terms, or during a period of paid
94 sabbatical leave provided for in the individual's contract, to any individual if such
95 individual performs such services in the first of such academic years (or terms)
96 and if there is a contract or a reasonable assurance that such individual will
97 perform services in any such capacity for any educational institution in the
98 second of such academic years or terms;

99 (b) With respect to services performed in any capacity (other than
100 instructional, research, or principal administrative capacity) for an educational
101 institution, benefits shall not be paid on the basis of such services to any
102 individual for any week which commences during a period between two successive
103 academic years or terms if such individual performs such services in the first of
104 such academic years or terms and there is a contract or a reasonable assurance
105 that such individual will perform such services in the second of such academic
106 years or terms;

107 (c) With respect to services described in paragraphs (a) and (b) of this
108 subdivision, benefits shall not be paid on the basis of such services to any
109 individual for any week which commences during an established and customary
110 vacation period or holiday recess if such individual performed such services in the
111 period immediately before such vacation period or holiday recess, and there is
112 reasonable assurance that such individual will perform such services immediately
113 following such vacation period or holiday recess;

114 (d) With respect to services described in paragraphs (a) and (b) of this

115 subdivision, benefits payable on the basis of services in any such capacity shall
116 be denied as specified in paragraphs (a), (b), and (c) of this subdivision to any
117 individual who performed such services at an educational institution while in the
118 employ of an educational service agency, and for this purpose the term
119 "educational service agency" means a governmental agency or governmental
120 entity which is established and operated exclusively for the purpose of providing
121 such services to one or more educational institutions.

122 (2) If compensation is denied for any week pursuant to paragraph (b) or
123 (d) of subdivision (1) of this subsection to any individual performing services at
124 an educational institution in any capacity (other than instructional, research or
125 principal administrative capacity), and such individual was not offered an
126 opportunity to perform such services for the second of such academic years or
127 terms, such individual shall be entitled to a retroactive payment of the
128 compensation for each week for which the individual filed a timely claim for
129 compensation and for which compensation was denied solely by reason of
130 paragraph (b) or (d) of subdivision (1) of this subsection.

131 4. (1) A claimant shall be ineligible for waiting week credit, benefits or
132 shared work benefits for any week for which he or she is receiving or has received
133 remuneration exceeding his or her weekly benefit amount or shared work benefit
134 amount in the form of:

135 (a) Compensation for temporary partial disability pursuant to the workers'
136 compensation law of any state or pursuant to a similar law of the United States;

137 (b) A governmental or other pension, retirement or retired pay, annuity,
138 or other similar periodic payment which is based on the previous work of such
139 claimant to the extent that such payment is provided from funds provided by a
140 base period or chargeable employer pursuant to a plan maintained or contributed
141 to by such employer; but, except for such payments made pursuant to the Social
142 Security Act or the Railroad Retirement Act of 1974 (or the corresponding
143 provisions of prior law), the provisions of this paragraph shall not apply if the
144 services performed for such employer by the claimant after the beginning of the
145 base period (or remuneration for such services) do not affect eligibility for or
146 increase the amount of such pension, retirement or retired pay, annuity or similar
147 payment.

148 (2) If the remuneration referred to in this subsection is less than the
149 benefits which would otherwise be due, the claimant shall be entitled to receive
150 for such week, if otherwise eligible, benefits reduced by the amount of such

151 remuneration, and, if such benefit is not a multiple of one dollar, such amount
152 shall be lowered to the next multiple of one dollar.

153 (3) Notwithstanding the provisions of subdivisions (1) and (2) of this
154 subsection, if a claimant has contributed in any way to the Social Security Act or
155 the Railroad Retirement Act of 1974, or the corresponding provisions of prior law,
156 no part of the payments received pursuant to such federal law shall be deductible
157 from the amount of benefits received pursuant to this chapter.

158 5. A claimant shall be ineligible for waiting week credit or benefits for any
159 week for which or a part of which he or she has received or is seeking
160 unemployment benefits pursuant to an unemployment insurance law of another
161 state or the United States; provided, that if it be finally determined that the
162 claimant is not entitled to such unemployment benefits, such ineligibility shall
163 not apply.

164 6. (1) A claimant shall be ineligible for waiting week credit or benefits for
165 any week for which the deputy finds that such claimant's total or partial
166 unemployment is due to a stoppage of work which exists because of a labor
167 dispute in the factory, establishment or other premises in which such claimant
168 is or was last employed. In the event the claimant secures other employment
169 from which he or she is separated during the existence of the labor dispute, the
170 claimant must have obtained bona fide employment as a permanent employee for
171 at least the major part of each of two weeks in such subsequent employment to
172 terminate his or her ineligibility. If, in any case, separate branches of work
173 which are commonly conducted as separate businesses at separate premises are
174 conducted in separate departments of the same premises, each such department
175 shall for the purposes of this subsection be deemed to be a separate factory,
176 establishment or other premises. This subsection shall not apply if it is shown
177 to the satisfaction of the deputy that:

178 (a) The claimant is not participating in or financing or directly interested
179 in the labor dispute which caused the stoppage of work; and

180 (b) The claimant does not belong to a grade or class of workers of which,
181 immediately preceding the commencement of the stoppage, there were members
182 employed at the premises at which the stoppage occurs, any of whom are
183 participating in or financing or directly interested in the dispute.

184 (2) "Stoppage of work" as used in this subsection means a substantial
185 diminution of the activities, production or services at the establishment, plant,
186 factory or premises of the employing unit. This definition shall not apply to a

187 strike where the employees in the bargaining unit who initiated the strike are
188 participating in the strike. Such employees shall not be eligible for waiting week
189 credit or benefits during the period when the strike is in effect, regardless of
190 diminution, unless the employer has been found guilty of an unfair labor practice
191 by the National Labor Relations Board or a federal court of law for an act or
192 actions preceding or during the strike.

193 7. On or after January 1, 1978, benefits shall not be paid to any
194 individual on the basis of any services, substantially all of which consist of
195 participating in sports or athletic events or training or preparing to so
196 participate, for any week which commences during the period between two
197 successive sport seasons (or similar periods) if such individual performed such
198 services in the first of such seasons (or similar periods) and there is a reasonable
199 assurance that such individual will perform such services in the later of such
200 seasons (or similar periods).

201 8. Benefits shall not be payable on the basis of services performed by an
202 alien, unless such alien is an individual who was lawfully admitted for permanent
203 residence at the time such services were performed, was lawfully present for
204 purposes of performing such services, or was permanently residing in the United
205 States under color of law at the time such services were performed (including an
206 alien who was lawfully present in the United States as a result of the application
207 of the provisions of Section 212(d)(5) of the Immigration and Nationality Act).

208 (1) Any data or information required of individuals applying for benefits
209 to determine whether benefits are not payable to them because of their alien
210 status shall be uniformly required from all applicants for benefits.

211 (2) In the case of an individual whose application for benefits would
212 otherwise be approved, no determination that benefits to such individual are not
213 payable because of such individual's alien status shall be made except upon a
214 preponderance of the evidence.

215 9. The directors of the division of employment security and the division
216 of workforce development shall submit to the governor, the speaker of the house
217 of representatives, and the president pro tem of the senate no later than October
218 15, 2006, a report outlining their recommendations for how to improve work
219 search verification and claimant reemployment activities. The recommendations
220 shall include, but not limited to how to best utilize "greathires.org", and how to
221 reduce the average duration of unemployment insurance claims. Each calendar
222 year thereafter, the directors shall submit a report containing their

223 recommendations on these issues by December thirty-first of each year.

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Unofficial

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